by a building arranged for two families, though with a common front door. *Schadt* v. *Brill,* 173 Mich. 647, 139 N. W. 878, commented upon in 11 MICH. L. REV. 521.

DESCENT AND DISTRIBUTION—EFFECT OF MURDER BY HEIR.—One who murders at the same time his mother, father and sister *held* entitled by descent to their estate, he being the heir under the statutes of descent and distribution. *Wall* v. *Pfanschmidt* (Ill. 1914), 106 N. E. 785.

For a discussion of this question see 7 MICH. L. REV. 160, where the cases in the United States prior to that time are reviewed. Besides the principal case two cases bearing directly upon this point have been decided since. *Gollnik* v. *Mengel,* 112 Minn. 349, 128 N. W. 292; *Holloway* v. *McCormick,* 38 Okla. —, 136 Pac. 1111, both of which adhere to the doctrine of the principal case, which is the weight of authority. In *Gollnik* v. *Mengel,* supra, there was a dissenting opinion by Justice JAGGARD in which he says he prefers to follow the opinion of Justice ELLIOTT in *Wellner* v. *Eckstein,* 105 Minn. 444, 117 N. W. 830. The prevailing opinion is by Justice O'BRIEN who has succeeded Justice ELLIOTT since the decision in *Wellner* v. *Eckstein.* There is a concurring opinion by Justice LEWIS in which he takes the view that if the murder is in the first degree, then the murderer should not inherit. But since in this case the murder was in the second degree he concurs in the decision. In 1912 the Supreme Court of California held that one convicted of manslaughter did not lose his inheritance under a statute providing that one convicted of murder should not inherit from the victim. *In re Kirby's Estate,* 162 Calif. 91, 121 Pac. 370. The court adopts the strict legal definition of murder thereby excluding manslaughter. The case of *Burns* v. *Cope,* (Ind. 1914), 105 N. E. 471, affords an example of recent legislative action on this subject.

EASEMENTS—EFFECT OF SEVERANCE OF PROPERTY ON WAY OF NECESSITY.—Where an owner of land granted to a railroad company a right of way which bisected his property, the way of necessity across the tracks which was reserved by implication is an easement running with the land and passes to successive grantees; but, unless established as a prescriptive right, in case the ownership of the two parcels is severed, the easement is destroyed. *Vandalia R. Co.* v. *Furnas* (Ind. 1914), 106 N. E. 401.

There is a conflict in the authorities as to the effect of severance of ownership upon an easement of passageway of the character considered in the principal case. Some hold that where lands were severed by the right of way of a railroad and the ownership of the several parts was afterwards severed, the right to the easement is not transmitted to the grantees. *Marino* v. *Central R. R. Co. of N. J.,* 69 N. J. Law 628. Still others hold that upon a severance of ownership the easement would attach to each separate tract. *Rathbun* v. *N. Y., N. H. & H. R. Co.,* 20 R. I. 60; *Swan* v. *Burlington C. R. & N. R. R.,* 72 Ia. 650. The conclusion in the principal case would seem to be sound; the easement arises because of a necessity or quasi necessity, that